Appl. No. 10/773,660
Amdt. dated
Reply to Office Action of 12/13/2007

PATENT
Docket: 030351

REMARKS

Claims 1-15, 17-20, 35-50 and 52-56 are pending in the present application. Claims 1-15, 17-20, 35-50 and 52-56 have been examined and are rejected. In the above amendments, claims 1, 4, 6-10, 12, 14, 15, 17-20, 35, 37-41, 43-50, 52 and 54-56 have been amended. Therefore, after entry of the above amendments, claims 1-15, 17-20, 35-50 and 52-56 will be pending in this application. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Objected to Claims 17, 18, 49 and 50

Claims 17, 18, 49 and 50 are objected to because of the phrase "T/P ratio". These claims have been amended to recite "traffic-to-pilot ratio" instead of "T/P ratio".

Rejection of Claims 1, 3, 5-8, 12, 35-39, 41 and 52 Under 35 U.S.C. §103(a)

Claims 1, 3, 5-8, 12, 35-39, 41 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan (U.S. Patent No. 6,597,913) in view of Diachina *et al* (U.S. Patent No. 6,701,151).

Claim 1 of the present application, as amended, recites:

> "A base station comprising:
> a transceiver subsystem; and
> a processing subsystem configured to receive a request for grant including an identification of a specific service class from a mobile station, the specific service class being one of a set of available service classes, to make a determination whether or not to issue a grant to the mobile station in response to the request for grant, to send a grant for the specific service class to the mobile station if a determination is made to issue the grant, and to receive data for the specific service class transmitted according to the grant on a reverse link from the mobile station to the base station."

Applicant submits that claim 1 is patentable over Natarajan in view of Diachina for at least the following reasons.

First, the combination of Natarajan and Diachina does not disclose "a processing subsystem configured to receive a request for grant including an identification of a specific service class from a mobile station," as recited in claim 1. As described in paragraphs [0042] and [0051] of the present application, different service classes may be supported, and data for

each service class may be stored in a buffer for that service class. As described in paragraph [0043], the mobile station may send a request for each service class that has data to be transmitted.

The rejection indicates that Natarajan does not disclose this feature of claim 1 but that Diachina discloses this feature in column 5, line 38 to column 6, line 32. This cited section of Diachina describes a mobile station requesting a signaling radio bearer (SRB), which may be used to send RRC signaling or to configure one or more user radio bearers (URBs). (See column 5, lines 38-46.) Applicant submits that the SRB of Diachina is different from the service class recited in claim 1. The SRB of Diachina is used to send signaling messages. The service class recited in claim 1 pertains to a particular type of data, which may be stored in its own buffer.

Second, the combination of Natarajan and Diachina does not disclose "send a grant for the specific service class to the mobile station if a determination is made to issue the grant," as recited in claim 1. Diachina describes granting SRB of a specific type instead of sending a grant for a specific service class.

Third, the combination of Natarajan and Diachina does not disclose "receive data for the specific service class transmitted according to the grant on a reverse link from the mobile station to the base station," as recited in claim 1. Diachina describes four types of SRBs, … which include acknowledged and non-acknowledged communication configurations. (See column 6, lines 14-18.) The different SRBs define *how* signaling is sent whereas the service class of claim 1 defines *what* data is sent.

For at least the above reasons, Applicant submits that claim 1 is patentable over Natarajan in view of Diachina. Claims 3 and 5-8 are dependent on claim 1 and are patentable for at least the reasons noted for claim 1. These dependent claims may recite additional features not disclosed nor suggested by Natarajan and Diachina.

Independent claims 12, 35 and 52 have each been amended to recite the features noted above for claim 1. Claims 36-39 and 41 are dependent on claim 35. Claims 12, 35-39, 41 and 52 should thus be patentable for the reasons noted above for claim 1.

Accordingly, the §103(a) rejection of claims 1, 3, 5-8, 12, 35-39, 41 and 52 should be withdrawn.

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Rejection of Claims 1 and 5-10 Under 35 U.S.C. §103(a)

Claims 2, 9, 11, 13-15, 17, 18, 20, 40 and 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan (U.S. Patent No. 6,597,913) in view of Diachina *et al* (U.S. Patent No. 6,701,151) and further in view of Vrzic *et al* (U.S. 2004/0228349).

Claims 4, 19 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan in view of Diachina and further in view of Padgett *et al* (U.S. 2002/0183039).

Claims 10, 46-50 and 53-56 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Natarajan in view of Diachina and further in view of Vrzic and Padgett.

Claims 2, 4 and 9-11 are dependent on claim 1, claims 13-15 and 17-20 are dependent on claim 12, claims 40 and 42-50 are dependent on claim 35, and claims 53-56 are dependent on claim 52. The combination of Natarajan and Diachina does not disclose all of the elements of base claims 1, 12, 35 and 52, as discussed above. Hence, the combination of Natarajan and Diachina is an insufficient basis for the §103(a) rejection of dependent claims 2, 4, 9-11, 13-15, 17-20, 40, 42-50 and 53-56.

Accordingly, the §103(a) rejection of claims 2, 4, 9-11, 13-15, 17-20, 40, 42-50 and 53-56 should be withdrawn.

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CONCLUSION

In light of the amendments contained herein, Applicant submits that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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